

REMARKS

This Amendment is responsive to the Final Office Action of March 24, 2005 (Paper No./Mail Date 030705). Applicant respectfully submits that this amendment should be entered because it, Applicant believes, places the pending claims in condition for immediate allowance or removes issues for appeal.

Status of Claims

Claims 1, 11 and 12 were under examination in this application. Claims 1 and 12 have been canceled without prejudice. Claim 11 has been amended to overcome the objection. No new matter is added.

Information Disclosure Statement

The Examiner states on page 2 of the Office Action that "the document by Renu et al. (pages 191-206) listed in said IDS [filed December 15, 2004] has not been considered because . . . [f]or a document published in a non-English-language, a copy of the translation of the document to the English-language is required. (See MPEP § 609)."

Applicant submits concurrently herewith an IDS listing an English-language version of the Renu et al., reference (Heller et al., 1999, Gene Chips and microarrays: applications in disease profiles, drug target discovery, drug action and toxicity, In: DNA Microarrays, Edited by Schena M., Oxford University Press, pp 187-202). This English-language version corresponds to the non-English-language (Japanese) version made of record in the IDS document filed on December 15, 2004.

This reference was first cited in an Office Action, mailed October 26, 2004, in the counterpart Japanese Patent Application and the Japanese Patent Office found Fig. 10-1 on page 196 of the reference, which figure corresponds to Figure 1 on page 192 of the accompanying English-language version of the Renu et al., reference to be particularly relevant to the present invention. The Japanese Office Action characterizes the Renu et al., reference as follows:

The Renu et al., reference describes the constitution as a microarray design where genes for a series of proteins having a common function such as ILs or TNFs are allocated in the same partition (particularly refer to Fig. 10-1 on page 196).

In view of the English version of the Renu et al., reference in the IDS submitted concurrently herewith, Applicant respectfully believes that this submission satisfies the

requirements under MPEP § 609 and 37 CFR §1.98.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claim 12 under 35 U.S.C. § 112, first paragraph, based on the assertion that while the specification is enabling for making a representation such as a drawing of a substrate having a life and death axis, and inflammation and anti-inflammation axis as disclosed in Figures 2 and 3, it does not reasonably provide enablement for a substrate having a life and death axis, and inflammation and anti-inflammation axis.

Without conceding the validity of this rejection, and solely to expedite prosecution of this application, Applicant has elected to cancel claim 12. Accordingly, the rejection of claim 12 based on lack of enablement is moot and must be withdrawn.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Iyer (Iyer et al., 1999, Science, 283:83–87).

Without conceding the validity of this rejection, and solely to expedite prosecution of this application, Applicant has elected to cancel claim 1. Accordingly, the rejection of claim 1 based on the Iyer reference is moot and must be withdrawn.

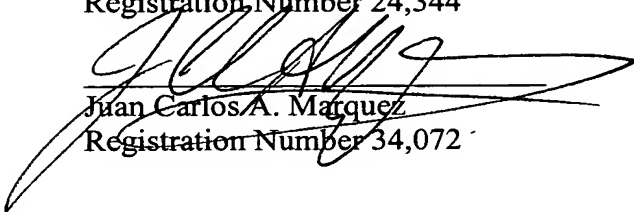
Conclusion

Applicant believes this response to be a full and complete response to the Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claim(s) are earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the present application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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